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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Tapesh Yadav

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PPG INDUSTRIES INC
INTELLECTUAL PROPERTY DEPT
ONE PPG PLACE
PITTSBURGH, PA 15272

EXAMINER

TSOY, ELENA

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

08/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

The amendment filed on August 5, 2008 under 37 CFR 1.116 in reply to the final rejection has been entered (as incorporating limitations of claim 24 now cancelled) and considered but is not deemed to place the application in condition for allowance for the reasons of record set forth in the Final Office Action mailed on 6/9/2008.

Response to Arguments

Applicant's arguments filed August 5, 2008 have been fully considered but they are not persuasive.

35 U.S.C. § 112 Rejection

(A) Applicants submit that Claim 15 complies with the written description requirement the present specification, paragraph 60, which incorporates by reference U.S. pat. no. 5,984,997 and reads, in part, as follows: Methods and equipment such as those taught in U.S. Pat. Nos. 5,788,738, 5,851,507, and 5,984,997 (each of which is specifically incorporated herein by reference) can be employed in practicing the methods of this invention.

The Examiner respectfully disagrees with this argument because the Applicants' specification does not specify that **full** disclosure of 5,984,997 is incorporated.

(B) Applicants argue that the specification most certainly does not state the criticality of a particular temperature range. To the contrary, paragraph 58 states the opposite:

While the above examples specifically teach methods of preparing dispersed powders of oxides, carbides, nitrides, borides, and carbonitrides, the teachings may be readily extended in an analogous manner to *other compositions* such as chalcogenides. While it is preferred to use high temperature processing, a moderate temperature processing or a low/cryogenic temperature processing may also be employed to produce high purity nano-dispersed powders.

The Examiner respectfully disagrees with this argument. First of all, the particular temperature range may be critical **or essential**. Second, it is not clear what "*moderate temperature*" stands for. Third, the Applicants' specification as whole may be interpreted such that that for oxides, carbides, nitrides, borides, and carbonitrides it is essential to use high temperature processing while for *other compositions* a "*moderate temperature*" processing or a

low/cryogenic temperature processing may also be employed because claimed metal salts are generally decompose under high temperature processing not low/cryogenic temperature processing.

102/103 Rejections

Bickmore

Applicants argue that Bickmore does not produce powder manufactured comprises nano-dispersed nanoparticles, as required by Claim 1.

The Examiner respectfully disagrees with this argument. It is the Examiner's position that the powder manufactured by a process of Bickmore comprises nano-dispersed nanoparticles *inherently*, since it is prepared by the process substantially identical to that of claimed invention.

Konig in view of Holzl

It is believed that the combination fails to teach wherein the powder manufactured comprises nano-dispersed nanoparticles.

The Examiner respectfully disagrees with this argument. It is the Examiner's position that the powder manufactured by a process of Konig in view of Holzl would comprise nano-dispersed nanoparticles *inherently*, since it is prepared by the process substantially identical to that of claimed invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy Lightfoot whose telephone number is 571-272-1429. The examiner can normally be reached on Monday-Friday, 9:00AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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Elena Tsoy-Lightfoot, Ph.D.

Primary Examiner

Art Unit 1792

August 14, 2008

/Elena Tsoy Lightfoot/

Primary Examiner, Art Unit 1792